

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL A. RIVOTA, individually)	No. 1:19-cv-04156
and on behalf of all others)	
similarly situated,)	Judge John Z. Lee
)	
Plaintiff,)	Magistrate Judge Sunil R. Harjani
)	
v.)	
)	
BANK OF AMERICA CORPORATION)	
and MERRILL LYNCH, PIERCE,)	
FENNER & SMITH INCORPORATED,)	
)	
Defendants.)	

FINAL APPROVAL ORDER

THIS MATTER COMING before the Court on the parties’ Joint Motion for Final Approval of the Parties’ Class Action Settlement Agreement (the “Motion”), having considered the papers submitted to the Court and proceedings to date,

THE COURT FINDS AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of the Action, the Named Plaintiff, the Class Members and Defendants;
2. The dissemination of the Class Notice, as provided for in the Preliminary Approval Order, constituted the best practicable notice under the circumstances to all members of the Class and fully met the requirements of Fed. R. Civ. P. 23 and any and all substantive and procedural due process rights guaranteed by the United States Constitution, the laws of the State of Illinois and any other applicable law;
3. No member of the Settlement Class timely objected to the Settlement or requested to be excluded from the Settlement;
4. The Court finds the Settlement is fair, reasonable and adequate.

THEREFORE, IT IS HEREBY ORDERED:

A. That all defined terms contained herein shall have the same meanings as set forth in the parties' Class Action Settlement Agreement ("Settlement Agreement");

B. The Court grants the parties' Motion and gives final approval of the Settlement as fair, reasonable, and adequate to the Named Plaintiff and to each Class Member who did not submit a valid request for exclusion, and in their best interests, and in full compliance with all requirements of due process and federal law. The Settlement is finally approved in all respects and its terms and provisions shall be consummated;

C. That, except as to any person who has timely and effectively requested exclusion from the Settlement, the Court hereby dismisses with prejudice the Action, all claims contained therein, and bars and permanently enjoins all Class Members who worked for Defendants from prosecuting any claim released in the Class Release against Defendants, provided, however, that any Class Member who did not submit a valid or timely Claim Form shall not release any rights, claims or interests under the Fair Labor Standards Act;

D. The Court finds that the Named Plaintiff and Class Counsel adequately represented the members of the Settlement Class for the purposes of entering into and implementing the Settlement;

E. The Court finds that the Claims Administrator, Analytics LLC, has met all requirements of the Court as set forth in the Preliminary Approval Order and the Settlement Agreement;

F. The Court approves the Settlement Payments to be made to each Class Member who submitted a valid Claim Form;

G. The Court approves the payment of attorneys' fees, costs, and expenses to Class Counsel (the "Attorneys' Fees and Costs Award") in the amount of \$221,225.00 for attorneys' fees and costs of \$10,499.71. The Attorneys' Fees and Costs Award shall be distributed to Class Counsel in accordance with the terms of the Settlement Agreement;

H. The Court approves the Incentive Award in the amount of \$5,000.00 for the Named Plaintiff, to be distributed in accordance with Settlement Agreement;

I. The Court approves the payment of settlement administration fees of up to \$8,500.00 to the third-party Claims Administrator, Analytics Consulting, LLC;

J. That, except as otherwise provided in the Settlement Agreement or herein, the settling Parties are to bear their own attorneys' fees and costs; and

K. The Court dismisses this action with prejudice.

IT IS SO ORDERED.

DATED: July 10, 2020

A handwritten signature in black ink, appearing to read "John Z. Lee", written in a cursive style.

Honorable John Z. Lee
United States District Judge